

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RACHEL R. TRACY,

Plaintiff,

v.

Case No. 3:17-cv-01379-JPG-DGW

AARON VANDERGRAPH, and MICHAEL  
EVERETT,

Defendants.

**MEMORANDUM AND ORDER**

**J. PHIL GILBERT, DISTRICT JUDGE**

This matter comes before the Court on defendant Michael Everett's motion to dismiss (Doc. 13) and plaintiff Rachel Tracy's motion for voluntary dismissal (Doc. 21). The complaint in this case names Michael Everett as a defendant in Counts V, VI, and VII, but does not allege any legal claims against him. Everett has accordingly moved to dismiss himself as a defendant. (Doc. 13.) In response, the plaintiff has moved for a voluntary dismissal of defendant Everett pursuant to Federal Rule of Civil Procedure 41(a)(2). (Doc. 21.) The response is effectively a form of consent to Everett's motion.

Accordingly, the Court **GRANTS** Everett's motion to dismiss (Doc. 13), **DENIES** plaintiff's motion for a voluntary dismissal (Doc. 21), **DISMISSES WITHOUT PREJUDICE** defendant Michael Everett, and **DIRECTS** the Clerk of Court to terminate Michael Everett as a defendant in this case.

**IT IS SO ORDERED.**

**DATED: MARCH 26, 2018**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**